

## HALL COUNTY BOARD OF SUPERVISORS MEETING JULY 10, 2001

The Hall County Board of Supervisors met from adjourned session and by published call July 10, 2001 in the county board meeting room, 121 South Pine, Grand Island, Nebraska at 9:00 a.m.

The meeting was called to order by Chairman Richard Hartman

Invocation was given by Rev Martin Schmidt from Trinity Lutheran Church.

ROLL CALL: Present on roll call were Scott Arnold, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster, and Lonnie Logan.

Lancaster made a motion and Jeffries seconded to approve the following by consent agenda:

1. Accept and place on file the minutes from the June 23 meeting
2. 5a Approve Resolution #01 0040 for the Stop Sign at Lawrey and Stuhr Road
3. 5b Approve the diesel fuel tax claim and authorize the county clerk to pay
4. 13 Approve Resolution #01-0037 for withdrawal of collateral for Overland National Bank
5. Approve Resolution #01-0038 for withdrawal of collateral for Norwest Bank
6. Approve Resolution #01-0039 for exchange of collateral for Five Points Bank
7. 23 Accept and place on file the office report from the Hall County Sheriff , Public Defender, Juvenile Services Hall and Howard County, the County Attorney Statistical Report, County Court and the Clerk of the District Court
8. 24 Accept and place on file the Hall County Treasurer's Miscellaneous Receipts
9. 25 Accept and place on file communications as received

Arnold, Eriksen, Hartman, Humiston, Lancaster and Logan all voted yes and none voted no. Motion carried.

### OFFICE REPORT HALL COUNTY JUVENILE SERVICES MAY 2001

|                         |               |
|-------------------------|---------------|
| JUVENILE REFERRALS      | 23 JUVENILES  |
| JUVENILE OFFENDERS      | 2 JUVENILE    |
| JUVENILE HOUSE ARREST   | 3 JUVENILES   |
| TOTAL UNDER SUPERVISION | 226 JUVENILES |
| FEES COLLECTED          | \$860.00      |

### OFFICE REPORT HOWARD COUNTY JUVENILE SERVICES MAY 2001

|                               |              |
|-------------------------------|--------------|
| JUVENILE REFERRALS            | 4 JUVENILES  |
| TOTAL JUVENILE ENROLLEES      | 34 JUVENILES |
| FEES COLLECTED                | \$600.00     |
| TOTAL FEES COLLECTED FOR YEAR | \$4,425.00   |

OFFICE REPORT  
HALL COUNTY JUVENILE SERVICES  
JUNE 2001

|                         |               |
|-------------------------|---------------|
| JUVENILE REFERRALS      | 49 JUVENILES  |
| JUVENILE OFFENDERS      | 1 JUVENILE    |
| JUVENILE HOUSE ARREST   | 3 JUVENILES   |
| TOTAL UNDER SUPERVISION | 254 JUVENILES |
| FEES COLLECTED          | \$710.00      |

OFFICE REPORT  
HOWARD COUNTY JUVENILE SERVICES  
JUNE 2001

|                               |              |
|-------------------------------|--------------|
| JUVENILE REFERRALS            | 5 JUVENILES  |
| TOTAL JUVENILE ENROLLEES      | 35 JUVENILES |
| FEES COLLECTED                | \$100.00     |
| TOTAL FEES COLLECTED FOR YEAR | \$4,525.00   |

OFFICE REPORT  
HALL CO. SHERIFF  
MAY 2001

|                                    |              |
|------------------------------------|--------------|
| TOTAL FEES MILEAGE & MISCELLANEOUS | \$ 14,387.61 |
| COPIES                             | 101.00       |
| HANDGUN APPLICATIONS               | 35.00        |
| TITLE INSPECTIONS                  | 3,820.00     |

OFFICE REPORT  
COUNTY COURT  
JUNE 2001

|                        |             |
|------------------------|-------------|
| FINES (CO.)            | \$60,876.50 |
| OVERLOAD FINES         | 700.00      |
| REIMBURSE SHERIFF FEES | 1,065.77    |
| WORK RELEASE FEES      | 2,094.00    |
| REIMBURSE FAX COPIES   | 21.00       |
| FINES (CITY)           | 9,199.50    |
| REIMBURSE WITNESS FEES | 332.35      |
| BOND FORFEITURES       | 1,301.50    |
| REIMBURSE CO. FEES     | .00         |
| TOTAL                  | \$75,590.62 |

OFFICE REPORT  
CLERK OF THE DISTRICT COURT  
MAY 2001

|                                     |            |
|-------------------------------------|------------|
| FEES & INTEREST ON ACT #2-200-4     | \$3,459.73 |
| INTEREST EARNED ON ACT #114-0090191 | 3.01       |
| INTEREST EARNED ON ACT #7-396-2     | 65.38      |

COUNTY ATTORNEY 2a AUTHORIZE CHAIR TO SIGN DEED AND SUBDIVISION PLAT FOR BELTZER BUILDING. County Attorney Jerry Janulewicz stated that this is the sub-division plat for the purchase of the Beltzer Building. This is a strip of land between the property purchased from Riverside Investment and the curb along Home Fedora's private drive. He is requesting the board to authorize the chair to sign the documents. Lancaster made a motion and Humiston seconded to authorize the chair to sign the deed and the sub-division plat for Hann's Fourth Sub. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

2b.DISCUSS AND APPROVE INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT DATA MANAGEMENT AGREEMENT SERVICES. County Attorney Janulewicz stated that this interlocal agreement is between Hall County and the City of Grand Island for the Spillman software program and the city will also be able to use the Internet and Intranet E-Mail access through the county. The agreement will be for five years. The county will be able to recoup some of the costs of the software from the city. Will Bennett stated that the initial cost would be \$474,000.00. The City will pay the county a network assessment according to the number of users and a software assessment based on the number of job-specific software users. The number of users will be audited annually on April 1 and the fees will be billed to the City and paid to the County on a quarterly basis. Logan questioned if the revenue from the city would be reflected in the computer budget but this is all part of the general fund. Logan made a motion and Lancaster seconded to approve the agreement and authorize the chair to sign. Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and Arnold abstained. Motion carried.

John Luna questioned if this was part of the agreement with the sheriff's office and Mr. Hartman informed him that this was a separate agreement.

2c county Attorney Jerry Janulewicz requested that this item be cancelled.

2d EXECUTIVE SESSION – DISCUSS REAL ESTATE NEGOTIATIONS WITH LUZENAC AMERICA INC. Lancaster made a motion and Jeffries seconded to go into executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

9:23 a.m. executive session

9:30 a.m. Jeffries made a motion and Eriksen seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

2e. DISCUSS AND APPROVE REAL ESTATE PURCHASE AGREEMENT WITH LUZENAC AMERICA INC. County Attorney Jerry Janulewicz presented the purchase agreement for Luzenac America Inc. for the tract of land at the purchase price of \$225,000.00 and the earnest money deposit of \$25,000.00. Logan made a motion and Jeffries seconded to approve the purchase agreement. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

2f DISCUSS AND APPROVE SETTLEMENT AGREEMENT WITH THE UNITED STATES OF AMERICA: This agreement addresses the United States' civil claim against the County concerning the Title IV-D child support reimbursement funds. Hall County was notified by child support enforcement of a possible claim of \$96,000.00 plus \$5,000.00 to \$10,000.00 per claim for damages. They entered into negotiations and have offered to settle with Hall County for \$40,000.00. These funds will be recovered through future claims from Hall County. Eriksen made a motion and Jeffries seconded to authorize the chair to sign the agreement. Janulewicz stated that the computer system has been upgraded and the codes will be captured from the computer so this will not happen again. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

4 DISCUSS FILLING VACANCY FOR THE OFFICE OF ELECTION COMMISSIONER: County Attorney Jerry Janulewicz presented the board with a letter reviewing the options the board has to fill the position of election commissioner. The salary for the office has to be set 60 days prior to the expiration of the term. The Nebraska Constitution provided that that compensation cannot be increased or diminished during a term of office. The resolution setting the salary was approved by the county board and cannot be increased. When a vacancy occurs in the office of county election commissioner the board can appoint someone to fill the unexpired term. A vacancy in county offices provides that the appointment is filled in 45 days. An alternative to appointing some one to fill the vacancy could be to revert the duties of the election commissioner back to the county clerk. The county board could establish the position of deputy county clerk for elections. That person would be under the direction of the county clerk but the deputy shall be primarily responsible for performing the duties. The board could eliminate the office and then recreate the office with a new four-year term but Jerry stated that this action might not be valid. Discussion was held and Jeffries made a motion and Eriksen seconded to refer this back to the election committee for a recommendation at the next meeting. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

5c COMMITTEE RECOMMENDATION ON UPRR CROSSING PROJECTS: The Public hearing was held June 26 on the railroad crossing projects and it was referred to the public works committee. Jeffries stated that the committee met regarding the crossing. The recommended to install gates and lights at all of the crossings and not to build the roads as suggested by the proposal from the railroad. The cost of changing the roads would be \$40,000.00 and there is an irrigation well that would have to be moved. A section of road on Schimmer and Wildwood will be closed. If the lights are installed, the railroad is requesting that the county contribute \$20,000.00 for the lights and gates. The lights and gates will be maintained by the railroad. Jeffries made a motion and Eriksen seconded to accept the public works committee recommendation and to set the public hearings. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

6a DISCUSS AND TAKE ACTION ON CLAIMS BOHAN AND DOLD: Jerry Janulewicz provided a letter to the county board concern this claim. He stated that there was some miscommunication between Mr. Bohan, Mr. Dold and the County Treasurer's office and Mr. Bohan was given a redemption certificate instead of a tax sale certificate. Jerry recommended that the transaction from April 4, 2000 be tabled until the county receives a recommendation from the insurance carrier and he recommended that the board take action on the request for a property tax refund from the May 1 2000 transaction. Jeffries

made a motion and Humiston seconded to table the first transaction until the county hears from the insurance carrier. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

The county board can refund the taxes paid May 1, 2000. Logan made a motion and Lancaster seconded to refund the taxes paid May 1, 2000. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

6b CLAIM FOR REFUND OF MICHAEL SCHNEIDER: County Attorney Jerry Janulewicz presented the board with an opinion. He stated that Mr. Schneider owned the property July 1, 2000 and he owned the property on levy date. The property was not exempt from taxes, it was not overvalued and he was not deprived from due process. He recommended that the claim be denied. Jeffries made a motion and Logan seconded to deny the claim from Michael Schneider for a refund. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

7 EXECUTIVE SESSION NEGOTIATIONS ON TERC CASES: Arnold made a motion and Jeffries seconded to go into executive session to discuss negotiations on the TERC cases. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

10:23 a.m. executive session

10:31 a.m. Arnold made a motion and Lancaster seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

10 DISCUSS AND APPROVE HEALTH BOARD APPOINTMENT: Eriksen stated that the Health Board met June 14 and recommended to appoint the following people to three-year terms starting July 1, 2001 to June 30, 2004.

Community Representative - Cale Neal

Community Representative - Ann Marsh

Hall County Medical Society – Dr. Janice Kutilek

Eriksen made a motion and Lancaster seconded to approve the appointments to the health board for three-year terms. Hartman questioned why some of the other applications were not considered. Lancaster also stated that she had delivered applications and they were not considered. Eriksen stated that the health board reviewed the applications and selected the members. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Logan all voted yes and Hartman voted no, Motion carried.

11 REGION III BUDGET REQUEST: The budget request from Region III was received and they will be receiving additional funding in the amount of \$245,865.00 They will need an additional \$13,388 for the match and because of the 2000 census there is a \$.06 per capita increase. They also submitted the request for \$90,000.00 for children's services at Mid Plains. Logan made a motion and Humiston seconded to approve the budget requests. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

8 EXECUTIVE SESSION HEADSTART POSSIBLE LITIGATION: Lancaster made a motion and Arnold seconded to go into executive session to discuss litigation. Arnold,

Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no, Motion carried.

10:32 a.m. executive session

10:39 a.m. Lancaster made a motion and Arnold seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Lancaster made a motion and Humiston seconded to authorize Pamela Lancaster and Scott Arnold to pursue an appeal for the HeadStart grant if necessary. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

17 EXECUTIVE SESSION TO DISCUSS PERFORMANCE APPRAISALS: Logan made a motion and Lancaster seconded to go into executive session. Arnold, Hartman, Humiston, Lancaster and Logan all voted yes and none voted no, with Eriksen and Jeffries absent for the vote. Motion carried,

10:45 a.m. executive session

10:46 a.m. Logan made a motion and Jeffries seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Logan made a motion and Lancaster seconded to present the evaluation to the employee. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

PUBLIC PARTICIPATION: John Amick with the Hall County Historical Society requested to speak to the board concerning the request for a tax levy. It was not reported correctly in the paper and the maximum that they could receive would be the three-tenth of one cent. He stated that they might not need to levy the maximum amount.

Hartman stated that there was a survey on the train at Stuhr Museum and 1,059 were in favor of keeping the train and 52 were against. He said he would like to discuss this at budget time.

Dr. Mark Jorgensen requested to speak in support of the Health Department and he stressed the importance of public health. He stated he had talked to the Lincoln Health Department and they have tripled their activity. He would like to see the space issue addressed and stressed the importance of making sure the department will have enough space for the future. He stated he is looking forward to a good working relationship with the County Board.

BOARD ASSISTANT'S REPORT: Board Assistant Stacey Ruzicka reminded the computer committee will meet in the board room. She reminded the board that there will be a reception for Mary Kay Donohoo on Thursday July 19 from 2:00 p.m. to 4:00 p.m.

BOARD MEMBERS REPORTS: Logan – He stated that Howard Maxon had looked at the video equipment in the boardroom and he would like to look at replacing some of the equipment. He traveled to Texas to look at the correction facility and it was worth while trip but a long day. The Long range planning committee also met. The Safety Committee will be meeting to review the applications for the safety coordinator. The selection committee consists of Jim Eriksen, Lonnie Logan Kathy Baasch and Marla Conley, they will meet and make a recommendation to the county board.

Lancaster – She attended Midland Area Agency on Aging meeting in Hastings and Carla Koeker started on July 5, 2001. The computer committee is pleased with the interlocal agreement. She also attended meetings with HeadStart.

Arnold – He toured the correction facility in Texas and the HeadStart meetings. He also attended the long-range planning meeting.

Humiston - He will have a weed board meeting this week.

Eriksen – He attended the Central Platt NRD meeting and the CASA meeting. He also toured the correction facility in Texas.

Hartman – He attended the long-range planning committee and several other meetings.

NEW OR UNFINISHED BUSINESS Chairman Hartman called for new or unfinished business and no one responded.

Meeting adjourned at 11:00 a.m. The next meeting will be July 24, 2001 at 9:00 a.m.

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Marla J. Conley Hall County Clerk

REMINDER: The County Board Meetings may be viewed on GITV cable Channel 6 and UHF Channel 56 Wednesday at 8:00 a.m. and Friday at 8:00 a.m.